DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed 11/10/2009 have been fully considered.

2.   Applicant argues, beginning on page 14, that neither Nagar nor Lee is "reasonably directed to the problem of being able to capture a complete dialog". To support this assertion, Applicant continues by addressing Nagar and argues that "The fundamental flaw . . . is that the purpose of the primary reference Nagar is not related to logging a dialog. Rather, it is merely that of filtering information....". Applicant's arguments are not persuasive; though Nagar does teach where information may be filtered, Nagar also teaches logging of dialogues (e.g., see col. 6 line 53, which states that "other functions including logging the responses and requests").

3.   Applicant continues on page 16, arguing that "Merely having a proxy server provide filtering processing from two different web servers fails . . .". Applicant's arguments are not persuasive; as noted by the Examiner above, Nagar teaches more than merely "filtering". Applicants continued argument that in Nagar there is no "suggestion of any logging" is similarly unpersuasive in view of col. 6 line 53 of Nagar.

4.   Applicant next argues that "None of the references currently of record even recognizes this problem of making a complete logging of a dialog". Applicant's arguments are not persuasive; Nagar, for example, teaches capturing all requested data and the corresponding responses.

5.   Applicants next argue that there is no suggestion that Nagar recognizes that a single dialog includes visiting a subsequent server. In view the amendments to

Applicant's claim language, Eshghi has been additionally relied upon for the independent claims as is discussed in further detail below.

6.   Applicant next argues on page 17 that "It is improper for the Examiner to ignore the simple fact that Nagar has little, if anything, to do with the present invention". Applicant's argument is not persuasive as said assertion has not been ignored; rather, the Examiner has considered said assertion as does not find it persuasive. Both Applicant's invention and the disclosure of Nagar are directed to network communications, particularly the monitoring of said communications (see Nagar, Abstract and col. 6). Applicant's argument thus is not persusasive.

7.   Applicant continues to argue that "Nagar is not directed to capturing a dialog. Rather, its purpose is to filter information". Applicant's argument is unpersuasive for the reasons given above (see col. 6 line 53 of Nagar).

8.   Applicant next argues that "Neither Naga nor Lee is concerned with capturing a dialog". Applicant's argument continues to be unpersuasive in view of col. 6 line 53 of Nagar.

9.   Applicant's arguments that there is "no reason to have these features added" is not persuasive as Applicant has failed to address the provided statement addressing motivation to combine/modify the teachings of Nagar with that of Lee or any other of the prior art.

10.   Applicant next argues that "none of these additional references are reasonably related to the purpose of the primary reference...". Applicant's arguments are unpersuasive for the reasons given above.

11.   Applicant next argues that the "rejections of record merely and improperly use

the roadmap of the claimed invention to 'cut and paste'....". Applicant's unsupported

assertion is not persuasive.

Claim Rejections - 35 USC § 103

12.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

13.   Claims 1, 31, 37 – 39, 43 and 47 - 51 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Nagar (US 6,604,143 B1), view of Lee (US 2002/0178381 A1)

and Eshghi (US 2002/0165954 A1).

14.   Regarding claim 1, Nagar shows a method of capturing dialog on a computer

network, said method comprising:

establishing contact, based on an initial access request to a first network node,

with an intermediary node so that a subsequent dialog is directed through said

intermediary node by causing requests inbound to said first network node to be directed

to said intermediary node and causing responses outbound from said first network

node, as responding to said inbound requests, to be directed to said intermediary node,

thereby capturing, in said intermediary node, substantially an entirety of a dialog

with said first network node (Fig. 3, col. 4 lines 61 – 66, col. 5 lines 48 - 61, col. 7 lines

15 - 60),

said network address of said intermediary node also being added to inbound request and outbound responses for any of a second node in said network, unrelated that is visited during said dialog, thereby additionally directing a dialog with said second node through said intermediary node as related to said initial access request (col. 5 line 49 – col. 6 line 67 and Fig. 3, showing that all incoming and outgoing requests are through the proxy server, where the client can contact and be contacted by multiple servers (e.g., the nodes 210 and 212 of Fig. 2)

as well as logging said dialog to a memory (col. 6 line 53).

Nagar does not explicitly show said inbound requests and said outbound responses being directed to said intermediary node by causing a network address of said intermediary node to be added to said inbound requests and to said outbound responses.

Lee shows inbound requests and outbound responses being directed to an intermediary node by causing a network address of said intermediary node to be added to said inbound requests and to said outbound responses ([52], Figs. 5 and 6A).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Nagar with that of Lee in order to insure that both incoming and outgoing messages are routed appropriately through the use of well-understood routing methods such as adding headers (Lee, Figs. 4 and 5).

Nagar in view of Lee do not explicitly show all of:

as a dialog is having begun with said initial access request to said first network node,

said second node being different from said first node,

logging said dialog to a memory, including any visits during said dialog to nodes other than said first node; and

analyzing said dialog to measure at least one parameter related to said dialog.

Eshghi shows: as a dialog is having begun with said initial access request to said first network node ([34, 37], where Eshghi's 'session' can, in one embodiment, represent the claimed 'dialog'),

said second node being different from said first node ([34,37]),

logging said dialog to a memory, including any visits during said dialog to nodes other than said first node ([12,20,37-38]); and

analyzing said dialog to measure at least one parameter related to said dialog ([8, 12, 22, 44]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Nagar in view of Lee with that of Eshghi in order to measure additional information (Eshghi, [7-8]) and to better correlated gathered data (Eshghi, [36]).

15.   Regarding claim 31, Nagar in view of Lee and Eshghi further show at least one of filtering a content of said dialog; modifying a content of responses in said dialog; logging said of said dialog to a database; analyzing said data in said logging of said dialog by at least one of data mining and statistical analysis; displaying at least a portion of said dialog; and formatting information in said dialog for at least one of logging and displaying said information (Nagar, Fig. 5 and col. 3 lines 40 – 62).

16.   Regarding claim 37, Nagar in view of Lee and Eshghi further show wherein said

first network node comprises a web server (Nagar, Fig. 3 item 325)

        said intermediary node comprises a proxy/surrogate server (Nagar, Fig. 3 item

315)

        said initial access request and said inbound requests originate from a user's

browser and said outbound response are sent to said user's browser (Nagar, col. 5 line

60 - col. 6 line 12) and

        said proxy/surrogate server causes said dialog to be directed through said

proxy/surrogate server by adding an address of said proxy/surrogate server to contents

of said dialog (Lee, [52], Figs. 5, 6A).

17.   Regarding claim 38, Nagar in view of Lee and Eshghi further show adding said

address information of said proxy/surrogate server to requests from said user's browser

to other web servers in said computer network to responses therefrom, thereby allowing

said proxy/surrogate server to additionally capture a dialog between said user's browser

and said other web servers (Nagar, col. 3 lines 48 - 62, col. 4 lines 36 - 67).

18.   Regarding claim 39, Nagar in view of Lee and Eshghi further show wherein said

first network node comprises a first web server on said computer network (Nagar, Fig.

2) and wherein the directing of dialog traffic through said proxy/surrogate server

continues automatically until terminated by said user by making a URL selection that

has not been modified for said direction through said proxy/surrogate server, including

dialog traffic by said user's browser with web servers on said computer network other

than said first web server (Nagar, col. 8 lines 30 – 40).

19.   Regarding claim 43, Nagar in view of Lee and Eshghi further show wherein each node in said network that is visited during said dialog, subsequent to said initial access request, is similarly directed through said intermediary node, until a user does one of: manually types in a URL, selects a previously-saved URL from a browser's history file; and selects a saved URL via a selection menu (Eshghi, [34]).

20.   Regarding claim 47, Nagar shows an apparatus comprising an interface to receive a request from a user to said apparatus serving as a first node in a network and to make transmissions using said network (Nagar, Fig. 3 and col. 4 lines 61 - 66, col. 5 lines 48 - 61 and col. 7 lines 15 - 60) ; and

        a processor to execute an application program that establishes, based on said request, an intermediary node so that substantially an entirety of a subsequent dialog with said first network node is directed through said intermediary node (Figs. 2, 3, col. 4 lines 61 – 66, col. 5 lines 48 - 61, col. 7 lines 15 - 60)

        said network address of said intermediary node also being added to inbound requests and outbound responses for any of a second node in said network, unrelated to said first node, that is visited during said dialog, thereby additionally directing a dialog with said second node through said intermediary node as being related to said initial access request (Nagar, Fig. 3 and col. 4 lines 61 - 66, col. 5 lines 48 - 61 and col. 7 lines 15 - 60).

        Nagar additionally shows logging said dialog to a memory (col. 6 line 53).

        Nagar does not explicitly show said inbound requests and said outbound responses being directed to said intermediary node by causing a network address of

said intermediary node to be added to said inbound requests and to said outbound responses.

Lee shows inbound requests and outbound responses being directed to an intermediary node by causing a network address of said intermediary node to be added to said inbound requests and to said outbound responses ([52], Figs. 5 and 6A).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Nagar with that of Lee in order to insure that both incoming and outgoing messages are routed appropriately through the use of well-understood routing methods such as adding headers (Lee, Figs. 4 and 5).

Nagar in view of Lee do not explicitly show all of:

as a single dialog initiated by said request to said first network node,

logs said dialog to memory, including any visits during said dialog to nodes other than said first node, and analyzes said dialog to measure at least one parameter related to said dialog,

said second node being different from said first node, that is visited during said dialog initiated by said request to said first node,

part of the dialog initiated by said request to said first node.

Eshghi shows: as a single dialog initiated by said request to said first network node ([34,37]),

logs said dialog to memory, including any visits during said dialog to nodes other than said first node, and analyzes said dialog to measure at least one parameter related to said dialog ([12,20,37-38]),

said second node being different from said first node, that is visited during said

dialog initiated by said request to said first node ([34,37]),

part of the dialog initiated by said request to said first node ([34,37]).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the disclosure of Nagar in view of Lee with that of Eshghi in order to

measure additional information (Eshghi, [7-8]) and to better correlated gathered data

(Eshghi, [36]).

21.   Regarding claim 48, Nagar in view of Lee and Eshghi further show wherein said

intermediary node comprises a TCP/IP application that serves as a proxy/surrogate

server (Nagar, col. 3 lines 31 – 61).

22.   Regarding claim 49, Nagar in view of Lee and Eshghi further show wherein each

node in said network that is visited during said dialog, subsequent to said initial access

request, is similarly directed through said intermediary node, until a user does one of:

manually types in a URL, selects a previously-saved URL from a browser's history file;

and selects a saved URL via a selection menu ([34]).

23.   Regarding claim 50, Nagar shows a tangible storage medium tangibly embodying

a set of computer-readable machine instructions to execute a method of capturing

dialog on a computer network, said method comprising:

establishing contact, based on an interface to receive a request from a first

network node, an intermediary node so that substantially an entirety of a subsequent

dialog with said first network node is directed through said intermediary node (Figs. 2, 3,

col. 4 lines 61 – 66, col. 5 lines 48 - 61, col. 7 lines 15 - 60)

said network address of said intermediary node also being added to inbound

requests and outbound responses for any of a second node in said network, unrelated

to said first node, that is visited during said dialog, thereby additionally directing a dialog

with said second node through said intermediary node as being related to said initial

access request (Nagar, Fig. 3 and col. 4 lines 61 - 66, col. 5 lines 48 - 61 and col. 7

lines 15 - 60).

Nagar additionally shows logging said dialog to a memory (col. 6 line 53).

Nagar does not explicitly show said inbound requests and said outbound

responses being directed to said intermediary node by causing a network address of

said intermediary node to be added to said inbound requests and to said outbound

responses.

Lee shows inbound requests and outbound responses being directed to an

intermediary node by causing a network address of said intermediary node to be added

to said inbound requests and to said outbound responses ([52], Figs. 5 and 6A).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the disclosure of Nagar with that of Lee in order to insure that both

incoming and outgoing messages are routed appropriately through the use of well-

understood routing methods such as adding headers (Lee, Figs. 4 and 5).

Nagar in view of Lee do not explicitly show all of:

as begun by said initial access request to said first network node,

said second node being different from said first node,

said dialog initiated by said initial access request to said first node,

logging said dialog to a memory, including any visits during said dialog to nodes other than said first node; and

analyzing said dialog to measure at least one parameter related to said dialog.

Eshghi shows: as begun by said initial access request to said first network node ([34,37]),

said second node being different from said first node ([34,37]),

said dialog initiated by said initial access request to said first node ([34,37]),

logging said dialog to a memory, including any visits during said dialog to nodes other than said first node; and

analyzing said dialog to measure at least one parameter related to said dialog ([12,20,37-38]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Nagar in view of Lee with that of Eshghi in order to measure additional information (Eshghi, [7-8]) and to better correlated gathered data (Eshghi, [36]).

24.   Regarding claim 51, Nagar in view of Lee and Eshghi further show comprising one of:

a standalone diskette or storage medium intended to be inserted into a computer drive to upload said instructions onto a computer;

a memory on a computer as storing instructions currently being executed by said computer;

a memory on a computer as storing said set of instructions as selectively

loadable for execution by said computer; and

a memory on a computer storing said set of instructions for selectively being

downloaded to another computer or device on said network (Nagar, col. 4 lines 37 – 58

and col. 9 lines 40 – 60).

25.   Claims 33, 35, 40, 41, 44, 45, and 46 rejected under 35 U.S.C. 103(a) as being

unpatentable over Nagar in view of Lee and Eshghi as applied to claim 1 above, and

further in view of Jawahar (US 6,298,356 B1).

26.   Regarding claim 33, Nagar in view of Lee and Eshghi show claim 1.

Nagar in view of Lee do not explicitly show wherein at least one of said at least

one parameter that is measured relates to an effectiveness of a web site located at said

first network node.

Jawahar shows wherein at least one of said at least one parameter that is

measured relates to an effectiveness of a web site located at said first network node

(Jawahar, col. 16 lines 28 – 40).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the disclosure of Nagar in view of Lee with that of Jawahar in order

to gather and then enable the utilization of additional information, improving the en—

user experience (Jawahar, col. 1).

27.   Regarding claim 35, Nagar in view of Lee and Eshghi show claim 1.

Nagar in view of Lee do not explicitly show wherein said modifying allows an

interview to be dynamically conducted with a user that contacted said first node.

Jawahar shows show wherein said modifying allows an interview to be dynamically conducted with a user that contacted said first node (Jawahar, co. 15 line 36 – col. 16 line 7).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Nagar in view of Lee with that of Jawahar in order to gather and then enable the utilization of additional information, improving the end user experience (Jawahar, col. 1).

28.   Regarding claim 40, Nagar in view of Lee and Eshghi show claim 1, including show modifying an outbound response (Lee, [39], Nagar, Abstract).

Nagar in view of Lee do not explicitly show where passing said response to a user in order to conduct an interview with the user.

Jawahar passing said response to a user in order to conduct an interview with the user (Jawahar, Figs. 9, 12, 13, col. 3 lines 50 – 67, col. 15 line 36 – col. 16 line 7).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Nagar in view of Lee with that of Jawahar in order to gather and then enable the utilization of additional information, improving the end user experience (Jawahar, col. 1).

29.   Regarding claim 41, Nagar in view of Lee and Eshghi show claim 1.

Nagar in view of Lee do not explicitly show wherein a user's state during said dialog is determined.

Jawahar shows wherein a user's state during said dialog is determined (Jawahar, cols. 16 and 17).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Nagar in view of Lee with that of Jawahar in order to gather and then enable the utilization of additional information, improving the end user experience (Jawahar, col. 1).

30.   Regarding claim 44, Nagar in view of Lee, Eshghi and Jawahar further show instantiating a state for said user upon entering an interaction by said first initial access request; and accumulating characteristics of a set of attributes as said dialog continues (Eshghi, [25-30, 34]).

31.   Regarding claim 45, Nagar in view of Lee, Eshghi and Jawahar further show wherein said determining of said user's state comprises determining at least one of: an implied intention of a user, and a confusion of a user (Jawahar, col. 16 and 17).

32.   Regarding claim 46, Nagar in view of Lee, Eshghi and Jawahar further show dynamically modifying a content of responses to a user, as based upon determining a user's state (Jawahar, col. 16 and 17).

33.   Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nagar in view of Lee and Eshghi as applied to claim 1 above, and further in view of Plante (US 2002/0161626 A1).

34.   Regarding claim 34, Nagar in view of Lee and Eshghi show claim 1.

Nagar in view of Lee and Eshghi do not explicitly show wherein at least a portion of said dialog interfaces with a natural language processing module, to allow a context of said dialog to be determined by using said natural language processing module.

Plante shows wherein at least a portion of a dialog interfaces with a natural language processing module, to allow a context of said dialog to be determined by using said natural language processing module ([38-43]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Nagar in view of Lee and Eshghi with that of Plante in order to take context data into account when performing analysis, thus improving the analysis results (Plant, [38-43]).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. MacIlwinen whose telephone number is (571) 272-9686. The examiner can normally be reached on M-F 7:30AM - 5:00PM EST; off alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joon Hwang, can be reached on (571) 272 - 4036. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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